

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT CARTER,

Plaintiff,

v.

Case No. 22-12750

JASON QUANTON, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER

ADOPTING REPORT AND RECOMMENDATION (ECF NO. 11)
AND DISMISSING FOURTH AND SIXTH CAUSES OF ACTION
WITHOUT PREJUDICE

Plaintiff Robert Carter (“Plaintiff”) filed this *pro se* civil rights action, pursuant to 42 U.S.C. § 1983, against Defendants on November 14, 2022. This matter was referred to Magistrate Judge Patricia T. Morris for all pretrial proceedings.

In a Report and Recommendation (“R&R”) issued on June 14, 2023¹, Magistrate Judge Morris recommends that, pursuant to 28 U.S.C. § 1915(e)(2), the Court *sua sponte* dismiss Plaintiff’s complaint in part and dismiss Plaintiff’s fourth and sixth causes of action. (ECF No. 11). Thus, Plaintiff’s first, second, third, and fifth causes of action would proceed. The R&R advised Plaintiff that any objections to it must be filed within 14 days and that the objections must be specific.

On July 5, 2023, Plaintiff filed a document titled, “Plaintiff’s Objections To The Report

¹This action was stayed from January 3, 2023, through May 30, 2023, while the action proceeded in the Pro Se Prisoner Early Mediation Program.

And Recommendation.” (ECF No. 15). But in that document, Plaintiff does not state any actual objections to the magistrate judge’s analysis or her conclusion that Plaintiff’s complaint fails to state a claim as to the fourth and sixth causes of action. Rather, Plaintiff’s “objections” amount to an improper motion to amend.

If Plaintiff wishes to file an amended complaint in this case, he must file a motion to amend and must attach, as an exhibit to it, a copy of his proposed amended complaint. *See* Rule 15.1 of the Local Rules for the U.S. District Court for the Eastern District of Michigan. Plaintiff did not do that.

Accordingly, the Court **ADOPTS** the June 14, 2023 Report and Recommendation to the extent that the Court **ORDERS** that Plaintiff’s Fourteenth Amendment Equal Protection claim (Fourth Cause of Action) and his Intentional Infliction of Emotional Distress state claim (Sixth Cause of Action) are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 18, 2023